

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-8 are pending in the present application. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-5, 7 and 8 stand rejected under 35 U.S.C §102 as being unpatentable over Levine (U.S. Patent No. 5,692,214, hereinafter Levine); and Claim 6 stands rejected under 35 U.S.C. §103 as being unpatentable over Levine in view of Saward (U.S. Patent No. 5,537,473, hereinafter Saward).

REJECTION UNDER 35 U.S.C. § 102

The outstanding Official Action has rejected Claims 1-5, 7, and 8 under 35 U.S.C. § 102 as being anticipated by Levine. The Official Action asserts that Levine discloses all of the Applicants' claim limitations. Applicants respectfully traverse the rejection.

Amended Claim 1 recites, *inter alia*, an information processing apparatus, including:

... code information acquiring means for acquiring, on the basis of said identification information acquired by said identification information acquiring means, code information for controlling said recording apparatus, said code information being automatically obtained from a server apparatus if unavailable in a local memory, said code information correspondingly employed with said control information acquired by said control information acquiring means. . .

Levine describes a system for enabling an unattended recording of a program to a video tape recording device. A television recording and receiving system (10) includes a television receiver (12), a video cassette recorder (14), and a cable tuner and descrambler box (16). A personal computer (18) is provided with an application program for implementing the program schedule for use in conjunction with the television recording and receiving system. In operation, the personal computer accesses a remote database (40) for obtaining a

program schedule.<sup>1</sup> The IR unit (26) transmits control signals to the VCR for initiating a recording operation based upon a predetermined program schedule, as selected by a user. To perform a transmission function, the personal computer requires information as to the nature of the remote control codes used by the video recorder and/or the cable box. This information is provided during a routine of the application program, in which the operator keys in the identification of the make and model of the VCR and cable box.<sup>2</sup> Alternatively, the appropriate codes may be learned from operation of a remote control in conjunction with the IR sensor (32).<sup>3</sup>

Conversely, in an exemplary embodiment of the Applicants' invention, an information processing apparatus is provided, in which code information corresponding to a recording apparatus is automatically obtained from a server if the code information corresponding to the recording apparatus is not available in a local memory of the information processing apparatus.<sup>4</sup> In the Official Action of July 30, 2007, the Levine reference is described at page 3 as disclosing:

as all the codes are received from the remote database, the codes will always need to be obtained from a server as they will never be stored in a local memory.

Support for this assertion is identified as corresponding to column 4 lines 58-65 of Levine. However, Applicant's note that the remainder of that same paragraph of Levine describes the exact opposite. Namely, it is noted that remote control codes (e.g., specific commands for operating a device remotely) may be learned by prompting a user to press selected buttons on the remote controlled transmitter (52). For example, at column 5 lines 1-7, Figure 5 of Levine is referenced which illustrates a menu system by which an operator may be stepped through the process of pressing selected buttons on the remote control transmitter.

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<sup>1</sup> Levine at Fig. 1; column 3, lines 7-53.

<sup>2</sup> Levine at column 4, lines 63-65.

<sup>3</sup> Levine at column 4, line 65 through column 5, line 7.

<sup>4</sup> Application at Fig. 5.

Alternatively, it is noted that the application program may store a database of the control codes for popular video recorders or cable boxes.<sup>5</sup> As such, the codes are not always obtained from a server as alleged in the Official Action on page 3. Simply stated, if the codes are not stored locally, the codes from each remote control button must be selected in accordance with a menu prompting system as described in Figure 5 of Levine. The Applicant's claimed code information acquiring means automatically obtains from a server apparatus, if unavailable in a local memory, code information correspondingly employed with control information acquired by a control information acquiring means. As Levine does not disclose or suggest automatically providing code information corresponding to a recording apparatus when that information is not available in a local memory, Applicants respectfully submit that amended Claim 1, and any claim depending therefrom, is allowable over the cited reference. As independent Claims 7 and 8 recite substantially similar limitations to that discussed above, Applicants respectfully submit that these claims, and any claims depending therefrom, are likewise allowable over the cited references.

Accordingly, Applicants respectfully request that the rejection of Claims 1-8 under 35 U.S.C. § 102 be withdrawn.

#### REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claim 6 under 35 U.S.C. § 103 as being unpatentable over Levine in view of Saward. The Official Action cites Levine as disclosing all of the Applicants' claim limitations, with the exception of control information including a broadcast date. The Official Action cites Saward as disclosing this more detailed aspect of the Applicants' invention, and states that it would have been obvious to one skilled in the art

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<sup>5</sup> See Levine at column 5 lines 1-12.

at the time the invention was made to combine the cited references for arriving at the Applicants' claim. Applicants respectfully traverse the rejection.

As noted above, Levine does not disclose all of the elements for which it has been asserted. As Saward does not remedy the deficiency discussed above, Applicants respectfully submit that a *prima facie* case of obviousness has not been presented. Accordingly, Applicants respectfully request that the rejection of Claim 6 under 35 U.S.C. § 103 be withdrawn.

#### CONCLUSION


Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-8, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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